



Appeal Decision

Site visit made on 1 October 2019

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2019

Appeal Ref: APP/P1940/D/19/3232706

2 Royce Grove, Leavesden, WD25 7GD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ani Bardhan against the decision of Three Rivers District Council.
 - The application Ref 19/0390/FUL, dated 26 February 2019, was refused by notice dated 30 April 2019.
 - The development proposed is described as 'Conversion of garage into habitable rooms and single storey rear extension'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development on the Council's Decision Notice includes 'creation of new entrance porch' and differs to the description on the application form. The plan¹ submitted as evidence includes the entrance porch and my decision has been made on that basis.

Main Issues

3. The main issues are the effect of the development on:
 - The living conditions of the occupiers of neighbouring properties; and,
 - The provision of adequate parking and Highways safety.

Reasons

Living Conditions

4. The appeal premises, No 2 Royce Grove (No 2), consists of a two storey, detached property with accommodation in the roofspace, an attached garage and a single conservatory at the rear of the dwelling. No 2 is located in a residential area with other properties having a similar architectural style and of a similar age.
5. The development proposed would create a new entrance porch, conversion of the garage into habitable space and single storey rear extension with a first-floor roof terrace.

¹ Drawing No PL600

6. The Design Criteria at Appendix 2 of the Development Management Policies LDD (2013) (LDD) states that development should not incorporate balconies which overlook neighbouring properties to any degree. The development proposed would result in a roof terrace occupying the full area of the flat roof of the proposed single storey rear extension at first floor level. It would be accessed from the first-floor bedroom and have a glass balustrade along the side and rear elevations, approximately 0.9 metres in height, with a depth of between approximately 4.6 metres to 2 metres where its boundary is located closest to Dowding Way.
7. The proposed first floor terrace would be approximately 3.5 metres away from the boundary with No 4 Royce Grove. However, the height of the proposed roof terrace and balustrade would be similar to the height of the pitched roof of the garage at No 2. This would provide views over the rear garden of No 4 Royce Grove. Whilst this is contested by the appellant, the garage roof would not act to screen views towards the rear garden of No 4 Royce Grove and furthermore, given its close proximity and dominant appearance, the roof terrace would have an overbearing effect which would be to the detriment of the living conditions of the occupiers of No4 Royce Grove. In addition, the height and position of the roof terrace would allow partial views directly towards the flank wall and rear garden of No 17 Dowding Way, with the boundary wall and landscaping providing no effective screen to these views. The actual and perceived overlooking, and overbearing effect of the roof terrace would result in significant harm to the living conditions of the occupiers of the No 4 Royce Grove and No 17 Dowding Way.
8. The appellant proposed alternative drawings for the design of the roof terrace in the evidence submitted, but as these have not been commented on by the Council and interested parties have not been consulted, I have not taken them into account and they do not form part of this appeal decision.
9. I conclude that the proposed first floor roof terrace, given its position and height, would have an adverse impact on the living conditions of the occupiers of the neighbouring dwellings and would be contrary to policies CP1 and CP12 of the Local Development Framework Core Strategy (2011) (CS) and Policy DM1 and Appendix 2 of the Local Plan Development Management Policies Local Development Document (2013) (LDD), which when read together seek to ensure new development achieves high standards of design and protects the living conditions of neighbouring occupiers with regards the loss of residential amenity.

Parking Provision and Highways Safety

10. The development proposed would result in No 2 being a five-bedroom dwelling. Policy DM13 and Appendix 5 of the LDD set out parking standards, which the Council states that for a dwelling of four or more bedrooms, three off- street parking spaces should be provided. Currently, No 2 provides a triple tandem parking arrangement with two spaces in the attached garage and one further parking space on a hardstanding to the front of the garage.
11. The proposed conversion of the garage would result in the loss of two parking spaces and thus No 2 would have a significant shortfall of parking spaces. Moreover, No 2 is not in a location which the Council considers to be within walking distance to services or an area of high accessibility, such that a reduction in the levels of parking required for residential development would be

appropriate. Whilst the appellant states that the area has good access to bus services, this would not mitigate the harmful effects that would result from the loss of parking spaces and based on the Council's assessment of access to services or of high accessibility, on its own would not justify allowing the appeal.

12. I have had regard to the appellants statement that it would be possible to retain two parking spaces as shown in the drawing submitted as evidence², however, this would provide only one-off street parking space. As a result, there would be a significant shortfall in provision of two parking spaces and would fail to satisfy the Council's parking standards for a dwelling with five bedrooms.
13. As a result of the shortfall of parking spaces at No 2, there would be increased stress for on-street parking, which was evident during my site visit which took place midweek in the afternoon. This would have a significant impact on the the highway due to the increase of on-street parking, causing obstructions to the free and safe movement of vehicles and pedestrians.
14. Whilst the appellant has stated that Policy CP10 and CP12 of the CS are not relevant to the proposal, Policy CP10 clearly states that development will need to demonstrate amongst other things adequate provision for all users including car parking. Policy CP12 o) of the CS refers specifically to the need to ensure a high standard of design for amongst other things convenient, safe and visually attractive areas for parking. On that basis both policies are relevant in this case.
15. I conclude that the shortfall in parking provision would have a significant adverse effect on highways safety and would be contrary to Policies CP1, CP10 and CP12 of the CS and Policy DM13 and Appendix 5 of the LDD, which when read together seek to ensure that new development makes adequate provision for parking in accordance with parking standards.

Other Matters

16. I have had regard to the appellants reference to other garage conversions and effects on parking provision, however based on the limited information available to me and as circumstances may have been different in each case, it has not altered my decision. I note there is no dispute with regards the effect of the entrance porch, the conversion of the garage or the single storey rear extension on the character and appearance of the street scene or the host dwelling.
17. I have had regard to the concerns raised by interested parties, but as I am satisfied that these have been dealt with in the main issues, I have not pursued them further.

Conclusions

18. For the reasons set out above, the appeal is dismissed.

Paul Wookey

INSPECTOR

² Appellants Grounds of Appeal Diagram 4